

CITY OF HUNTSVILLE, TEXAS

Mac Woodward, Mayor

Keith D. Olson, Mayor Pro Tem, Position 4
Andy Brauningner, Position 1 At-Large
Lydia Montgomery, Position 2 At-Large
Don H. Johnson, Position 3 At-Large



Joe Emmett, Ward 1
Tish Humphrey, Ward 2
Ronald Allen, Ward 3
Joe Rodriguez, Ward 4

HUNTSVILLE CITY COUNCIL AGENDA TUESDAY, AUGUST 18, 2015 5:00 P.M. WORKSHOP - 6:00 P.M. REGULAR SESSION

**COUNCIL CHAMBERS AND LARGE CONFERENCE ROOM
HUNTSVILLE CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS, 77340**

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5403), two working days prior to the meeting for appropriate arrangements.

WORKSHOP [5:00 P.M.] – Consideration and discussion of Section 4A & 4B Economic Development sales tax, potential uses, and possible ballot wording. [Matt Benoit, City Manager]

MAIN SESSION [6:00 P.M.]

1. CALL TO ORDER

2. INVOCATION AND PLEDGES

U.S. Flag

Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

3. PROCLAMATION – *Feel the Sting Day* for HISD

4. PUBLIC HEARING – The City Council will hear public comment on their consideration to adopt a maximum property tax rate of \$0.4106 per \$100 valuation for the City's 2015 – 2016 Fiscal Year (Tax Year 2015).

5. CONSENT AGENDA

Public Comments will be called for by the presiding officer before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- a. Approve the minutes of the City Council meeting held on August 4, 2015. [Lee Woodward, City Secretary]
- b. Approve Resolution 2015-15 designating *The Huntsville Item* as the official newspaper for the City of Huntsville for FY 2015-16, annual item. [Lee Woodward, City Secretary]

6. STATUTORY AGENDA

- a. *Presentation, public comment, discussion, and possible action to consider adoption of Ordinance 2015-33, amending Chapter 24, Land Development, of the Code of Ordinances of the City of Huntsville, Texas to adopt the updated Development Code of the City of Huntsville, Texas, third reading.* [Aron Kulhavy, Director of Community and Economic Development]

7. MAYOR/CITY COUNCIL/CITY MANAGER AND CITY ATTORNEY REPORT

- a. **FIRST READING** - *Presentation, public comment, discussion, and possible action to consider adopting Ordinance 2015-38 to update the City Council Rules of Procedure, first reading.* [Councilmember Emmett]
- b. *Presentation, public comment, discussion, and possible action to consider adoption of an ordinance to order a special election to be held in the City of Huntsville, Texas, on November 3, 2015, for either:*

- Ordinance 2015-39 – An ordinance of the City Council of the City of Huntsville, Texas, ordering a special election to be held on November 3, 2015, to submit a proposition on the combined question of the adoption of a Type A Corporation Economic Development Sales and Use Tax within the city at the rate of one-eighth of one percent for projects as allowed by Chapter 504 of the Local Government Code, and the adoption of an additional Sales and Use Tax within the city at a rate of three-eighths of one percent to be used to reduce the property tax rate;

OR

- Ordinance 2015-40 – An ordinance of the City Council of the City of Huntsville, Texas, ordering a special election to be held on November 3, 2015, to submit a proposition on the combined question of the adoption of a Type B Corporation Economic Development Sales and Use Tax within the city at the rate of one-eighth of one percent for

projects as allowed by Chapter 505 of the Local Government Code, and the adoption of an additional Sales and Use Tax within the city at a rate of three-eighths of one percent to be used to reduce the property tax rate.

Single reading required. [Matt Benoit, City Manager]

- c. *Presentation, public comment, discussion, and possible action* to consider request from Councilmember Rodriguez for consideration of a Decision Package calling the 2009 General Obligation Bonds and include the Decision Package in the FY 15-16 Budget. [Councilmember Rodriguez]

8. REQUESTS FOR CITIZEN PARTICIPATION

An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.

No requests were received by noon on August 11, 2015.

9. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

10. ITEMS OF COMMUNITY INTEREST

(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)

- 11. EXECUTIVE SESSION** – The City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 – consultation with counsel on legal matters concerning the log cabin on the Square and the old Walker County Jail. [Mayor Woodward and Leonard Schneider, City Attorney]

12. RECONVENE

Take action on items discussed in Executive Session, if needed.

13. ADJOURNMENT

*If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the August 18, 2015 City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.huntsvilletx.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: _____

TIME OF POSTING: _____ am/pm

TAKEN DOWN: _____ am/pm

Lee Woodward, City Secretary

MINUTES FROM THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 4th DAY OF AUGUST 2015, IN THE CITY HALL, LOCATED AT 1212 AVENUE M, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 4:00 P.M.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: Mac Woodward, Andy Brauningner, Lydia Montgomery, Don H. Johnson, Keith D. Olson, Tish Humphrey, Ronald Allen, Joe P. Rodriguez

COUNCILMEMBERS ABSENT: Joe Emmett

OFFICERS PRESENT: Matt Benoit, City Manager, Leonard Schneider, City Attorney, Lee Woodward, City Secretary

WORKSHOP [4:00 P.M.] – Consideration and discussion of Section 4a & 4b Economic Development sales tax, potential uses, and possible ballot wording.. [Matt Benoit, City Manager]

The City Manager and City Attorney presented the differences in 4A and 4B development criteria and discussed project options. (Councilmember Allen had to leave the workshop from 4:47-5:37 and returned for the Council meeting.) The work session concluded at 5:37 p.m.

MAIN SESSION [6:00 P.M.]

1. **CALL TO ORDER** - Mayor Woodward called the meeting to order at 6:00 p.m.
2. **INVOCATION AND PLEDGES** – Councilmember Johnson gave an invocation and Tatyana Antwine from the Boys & Girls Club led the pledges.
3. **CONSENT AGENDA**
Public Comments will be called for by the presiding officer before action is taken on these items. (Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)
 - a. Approve the minutes of the City Council meeting held on July 21, 2015 and the Special Session on July 28, 2015. [Lee Woodward, City Secretary]
 - b. Adopt Ordinance 2015-37 calling the November 3, 2015 municipal general election for the purpose of electing the Mayor at-large and four (4) Councilmembers, one from each City ward, single reading required. [Lee Woodward, City Secretary]
 - c. Approve the 2015 Joint Election Agreement and Election Services Contract with Walker County for the November 3, 2015 election. [Lee Woodward, City Secretary]
 - d. Authorize the City Manager to apply for a Community Development Block Grant - Disaster Recovery (CDBG-DR), and adopt Resolution 2015-14 in support of same. [Dr. Sherry McKibben, Director of Neighborhood Resources]
 - e. Adopt Ordinance 2015-34, changing the intersection traffic control from a 2-Way STOP to a 4-Way STOP at the intersection of 10th Street and Avenue N, second reading. [Y. S. "Ram" Ramachandra, City Engineer]
 - f. Adopt Ordinance 2015-36, changing the intersection traffic control from a 2-Way STOP to a 4-Way STOP at the intersection of 14th Street and University Avenue, second reading. [Y. S. "Ram" Ramachandra, City Engineer]
 - g. Approve purchase of Construction Roll-Off Containers for the Solid Waste Division. [Carol Reed, Director of Public Works]
 - h. Authorize the use of TexasTERM by the City's Investment Officer and authorize the City Manager to sign the Participation Agreement. [Steve Ritter, Finance Director]

Councilmember Montgomery moved to approve the consent agenda; the motion was seconded by Councilmembers Humphrey and Johnson. Councilmember Allen pulled items e and f for separate consideration. The motion was adopted unanimously, 8-0.

Councilmember Humphrey moved to adopt Ordinance 2015-34, changing the intersection traffic control from a 2-Way STOP to a 4-Way STOP at the intersection of 10th Street and Avenue N, the motion was seconded by Councilmembers Montgomery and Johnson. The motion was adopted, 5-3, Councilmembers Allen, Brauningner, and Rodriguez.

Councilmember Olson moved to adopt Ordinance 2015-36, changing the intersection traffic control from a 2-Way STOP to a 4-Way STOP at the intersection of 14th Street and University Avenue, the motion was seconded by Councilmember Montgomery. The motion was adopted, 5-3, Councilmembers Allen, Brauningner, and Rodriguez.

4. **STATUTORY AGENDA**
 - a. **Presentation, public comment, discussion, and possible action** to consider adopting Ordinance 2015-35 amending the City of Huntsville, Texas Code of Ordinances, specifically Chapter 48 "Vehicles for Hire"; making other provisions and findings thereto; and declaring an effective date, second reading. [Assistant Chief of Police Darryle Slaven, Department of Public Safety]

Mayor Woodward welcomed Huntsville Unit Warden Jones and thanked him and his staff for all they for and as part of the community. Councilmember Montgomery moved to adopt Ordinance 2015-35 amending the City of Huntsville, Texas Code of Ordinances, specifically Chapter 48 "Vehicles for Hire"; making other provisions and findings thereto; and declaring an effective date; the motion was seconded by Councilmember Humphrey. Dr. Ed Davis, Bart Davis, and Bill Kleiber spoke in opposition to the ordinance, citing concerns over the local economy and asking the Council to postpone its vote. Kathy Gizelli of Greyhound Bus and Warden Jones addressed comments made. Councilmember Olson moved to postpone indefinitely, the motion was seconded by Councilmember Johnson. The motion to postpone indefinitely was adopted, 7-1,

Councilmember Allen voting against.

5. MAYOR/CITY COUNCIL/CITY MANAGER AND CITY ATTORNEY REPORT

- a. *Presentation, public comment, discussion, and possible action to consider approval of announcing the City Council's intention to adopt a maximum property tax rate of \$0.4106 per \$100 valuation for the City's 2015 – 2016 Fiscal Year (Tax Year 2015).*

Councilmember Olson moved to place a proposal to adopt a property tax rate of \$0.4106 per \$100 valuation for the 2015-2016 Fiscal Year (Tax Year 2015) on the agenda of the September 15, 2015 Council meeting; the motion was seconded by Councilmembers Montgomery and Humphrey. The motion was adopted, 7-1, Councilmember Allen voting against.

6. REQUESTS FOR CITIZEN PARTICIPATION

An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.

No requests were received by noon on July 28, 2015.

7. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

There were no media inquiries.

8. ITEMS OF COMMUNITY INTEREST

(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)

- **Feel the Sting!** Day will be August 28, the date of the Hornets first game this fall. Contact the Chamber of Commerce at 295-8113 to order a flag for your home or business, or to fly downtown!
- University Heights Baptist Church's Joy Ministry is holding a **Healthy Habits for Healthy Families Back to School Bash**, along with United Way of the Piney Woods, & Walker County PATH. This symposium and resource fair will be from 9-4 on Saturday, August 15, at University Heights Baptist Church on Sycamore, and will offer free lunch, child care, and door prizes.
- The library is hosting a "Beginner's Guide to Online Privacy" on Thursday, August 27, from 4-5 p.m., with students from the SHSU Student Net Alliance. Reserve your seat by calling 291-5471.
- HR Director Julie O'Connell's birthday is Monday!

9. EXECUTIVE SESSION

- a. **The City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 – consultation with counsel on legal matters concerning the log cabin on the Square and Section 551.072 – deliberation regarding purchase, exchange, lease or value of real property, concerning the log cabin on the Square. [Leonard Schneider, City Attorney]**

The Mayor adjourned the Council into Executive Session at 7:23 p.m.

10. RECONVENE

- a. **Take action, if necessary, on items addressed during Executive Session.**

The Council reconvened at 7:46 p.m.

11. ADJOURNMENT

Mayor Woodward adjourned the meeting at 7:46 p.m.

Lee Woodward, City Secretary

RESOLUTION NO. 2015-15

A RESOLUTION OF THE CITY OF HUNTSVILLE, TEXAS DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF HUNTSVILLE FOR FISCAL YEAR 2015-2016.

WHEREAS, the City Council finds that the *Huntsville Item* is a paper of general circulation within the City of Huntsville; and

WHEREAS, the City Council finds that the *Huntsville Item*:

- (1) devotes not less than 25% of its total column lineage to general interest items;
- (2) is published at least once each week;
- (3) is entered as 2nd class postal matter in the county where published; and
- (4) has been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice; and

WHEREAS, the City Council finds that *The Huntsville Item* is a publication that meets all of the criteria legally required of an officially designated newspaper for the City of Huntsville.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS:

That:

- (1) The *Huntsville Item* is designated as the official newspaper for the City of Huntsville for Fiscal Year 2015-2016, commencing October 1, 2015.
- (2) The Mayor is authorized and directed to execute a contract with the *Huntsville Item* establishing the applicable rates for publication of city notices.
- (3) Until September 30, 2016, the City of Huntsville shall continue to publish in the *Huntsville Item* each ordinance, notice or other matter required to be published by law.
- (4) This Resolution is effective immediately upon passage.

PASSED, ADOPTED, AND APPROVED this 18th day of August 2015.

APPROVED:

Mac Woodward, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney





CITY COUNCIL AGENDA

8/18/2015

Agenda Item: 6a

Item/Subject: Consider adoption of Ordinance 2015-33, amending Chapter 24, Land Development, of the Code of Ordinances of the City of Huntsville, Texas to adopt the updated Development Code of the City of Huntsville, Texas.

Initiating Department/Presenter: Community & Economic Development

Presenter: Aron Kulhavy, Director of Community and Economic Development

Recommended Motion: Move to adopt Ordinance 2015-33, amending Chapter 24, Land Development, of the Code of Ordinances of the City of Huntsville, Texas to adopt the updated Development Code of the City of Huntsville, Texas.

Strategic Initiative: Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

Discussion: *Updates to this agenda item since the July 7th discussion are shown in italics. The updated pages to the Development Code reflecting the decision packages are available through the City Secretary's office.*

The City of Huntsville adopted a consolidated Development code in June of 1986. Since that time, numerous amendments to the code have been adopted; however, a thorough review of the Code was necessary to ensure compliance with state law, current best practices, and changes in the community. After several attempts to complete this through in-house staff, it was determined to hire a consultant to complete draft revisions to the Code. In this contract, it was the responsibility of the consultant to draft the regulations and to hold a joint workshop with the Planning and Zoning Commission and the City Council to provide an overview of the changes. It was the obligation of the City staff to provide direction on these changes, to review the changes to ensure correctness, and to present the new Code to the public, Planning and Zoning Commission, and City Council for approval. After months of review from the public and the Planning and Zoning Commission, the final draft of the Code is ready for public hearing and consideration by the City Council. Copies of the draft Code in its entirety are available in the offices of the City Secretary or the City Planner.

Before work on the Code update began, staff used several opportunities at P&Z meetings to receive input from the public in order to determine items of interest to address in the Code. From these meetings, a Development Code punch list was created and presented to the Consultant as a guide for the process. In addition, the Consultant used the Huntsville Horizon Comprehensive Plan, the Harnessing Huntsville's Potential Plan, and other adopted plans to create the new set of development regulations.

After completing a rough draft of the Code and after input from the joint workshop of the P&Z and City Council, the staff reached out to the public for feedback on several key issues that were identified throughout the process. These issues were ones that the City has flexibility to determine the measures to regulate development in Huntsville and included such items as sign height, manufactured housing placement, subdivision plat approval, and utility connections. The feedback was gathered during three

public forums in November 2014 as well as on online survey. Approximately 75 citizens either attended the forums or responded to the survey online. The results from this feedback are attached with this agenda item.

Upon completion of the public feedback, the staff worked with the Consultant to prepare a final draft of the Code for public hearing and consideration by the Planning and Zoning Commission. The P&Z held their first public hearing on the Code in April of 2015 and continued this public hearing through their meetings in May and June. At the public hearings, one citizen spoke at each of the hearings with the exception of the hearing on June 25, 2015 at which two people spoke at the public hearing. Minutes from the meetings at which the Code was considered by the P&Z (with the exception of June 25 which are still being drafted as of the date of this report and will be available at the July 7th meeting) are attached with this agenda item and copies of the written public comments received are available with the City Secretary's office or with the Planning office.

In reviewing the final draft of the Code, several key items were identified as decision packages for the P&Z to vote on in order to provide clear direction for the draft Code to be considered by the Council. Each of these decision packages were voted on by the P&Z and the final draft of the code was completed to reflect their decisions on these items. These decision packages are presented to the Council for their consideration under a separate agenda item cover.

The P&Z closed their public hearing on June 25, 2015. At this meeting, a few minor changes were identified and the staff was directed to complete these changes and present the completed document to the P&Z at their July 2, 2015 meeting. At this meeting, the P&Z will vote to make a final recommendation to the Council for their consideration. Their final recommendation will be presented to the Council once it has been voted on by the P&Z.

On July 16, the Planning and Zoning Commission voted unanimously to recommend approval of the update to the City of Huntsville Development Code. The effective date of the Development Code will be August 31, 2015 as currently drafted.

Previous Council Action: The current Development Code was adopted in 1986. Since that time, several amendments have been adopted, many of those minor changes to address specific issues. In April of 2013, the City entered into a contract with Duncan and Associates to draft a Development Code update. In June of 2014, Duncan and Associates held a joint workshop with the City Council and Planning and Zoning Commission as an overview to the proposed changes to the code. A workshop is scheduled with the City Council on July 7, 2015 to review the Code updates in greater detail.

The Council held a public hearing and considered decision packages at the meeting on July 7, 2015. At this meeting, eleven of the decision packages were approved, staff was directed to bring two back with updated language, and one was tabled for a joint workshop with the P&Z. The two revised decision packages are under a separate agenda item for the July 21 meeting and the workshop with the P&Z is also scheduled for this date.

At the July 21 meeting, the Council adopted the final decision packages on Manufactured homes, historic preservation, and provided direction on the decision package for subdivision plats after a joint workshop with the Planning and Zoning Commission. The final draft reflects the outcomes of each of the decision packages.

Financial Implications: There are no direct financial implications to the City associated with adopting the Development Code. As the Council reviews and considers the various decision packages, you will note some of the recommendations will add to the cost of developing properties in Huntsville. There is

no attempt made to quantify the additional costs associated with any particular Development Code change/amendment because the possible impact will be different for each property and development.

Approvals: ☐ City Attorney ☐ Director of Finance ☒ City Manager

Associated Information:

- April 30, 2015 P&Z Minutes (pages 4-6)
- May 7, 2015 P&Z Minutes (pages 7-8)
- May 21, 2015 P&Z Minutes (pages 9-12)
- June 4, 2015 P&Z Minutes (pages 13-16)
- July 16, 2015 P&Z minutes (page 17)
- Consolidated survey results (pages 18-19)
- Proposed Ordinance 2015-33 (pages 20-21)

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 30TH DAY OF APRIL, 2015 AT 5:30 PM.

Members present: Johnston; Hilton; Soffar; Woods; Barry

Members absent: Cummings; Anderson

City staff present: Kulhavy; Ridley

1. CALL TO ORDER

This meeting was called to order by Chairman Johnston. [5:33 PM]

2. PLEDGE OF ALLEGIANCE

a. U.S. Flag

b. Texas Flag

3. INVOCATION

Commissioner Barry led the invocation

4. CONSIDER the minutes of March 5, 2015.

Commissioner Woods made a motion to approve the minutes. Second was by Commissioner Hilton. The vote was unanimous.

5. PUBLIC HEARING to take testimony concerning a request for a change in the zoning classification of Lot 1A, Block 1, Southwood Area, Northcrest Terrace subdivision located in the 1000 Block of State Highway 75 North from Neighborhood Conservation to Management.

Chairman Johnston opened the public hearing. [5:37 PM]

Aron Kulhavy gave an overview of the rezoning request as outlined in the discussion form noting the property as presently zoned as neighborhood conservation the property can only be used for single family residential. If rezoned to management the property can be used for any use allowed per the *Development Code*. The property only has frontage on SH 75 N, a thoroughfare street, along which standard planning principles lean toward commercial development. However, since the City does not have a Future Land Use Plan in the Comprehensive Plan and any use of the property is allowed in management, Staff recommends denial of the rezoning of the property from neighborhood conservation to management. Kulhavy also pointed out that the property is not located in a "wet" zone, so alcohol sales and/or consumption would not be allowed on the property. He also added that Staff has received numerous calls regarding the nature of the rezoning request with none being in opposition.

Delfina Jaimes-Perez, applicant & property owner representative, spoke and answered questions regarding the rezoning request for the property. She indicated that the request to rezone the property is for the relocation of the local restaurant known as *Rodeo Mexican Bar & Grill* which she and Otilio Perez co-own and operate. Their plan is to relocate the restaurant when their current lease, (3-year), is up. They also plan to construct a home, single family residence, on rear portion of the property, with the restaurant being located at the front of the property, near SH 75 N. She indicated that they will be saving significant operating costs upon the relocation of the restaurant that the loss of alcohol sales will not matter to the success of the restaurant. Kulhavy stated the property owners would be able to construct both the restaurant and a single family residence on the property if the property is rezoned to management.

Commissioner Hilton asked if Ms. Perez is willing to take the appropriate actions to release the property from the single family subdivision/deed restriction if the property is rezoned. She indicated that she will do whatever is necessary.

Tara Grisham, resident of the subdivision, spoke in opposition to the rezoning of the property due to an anticipated increase in traffic that the restaurant will bring to an already congested area.

Commissioner Hilton inquired regarding any plans for liquor rezoning of the area. **Kulhavy** answered that to the best of his knowledge that Precinct One is considering getting a petition together to have it rezoned but he does not know any specifics. This property is located in Precinct One.

Chairman Johnston closed the Public Hearing. [5:57 PM]

6. CONSIDER the testimony concerning a request for a change in the zoning classification of Lot 1A, Block 1, Southwood Area, Northcrest Terrace subdivision located in the 1000 Block of State Highway 75 North from Neighborhood Conservation to Management.

Chairman Johnston opened the discussion by stating that the applicant's plan to construct a single family home on the property adds a different aspect to the issue. The home will provide a buffer between the restaurant and the existing homes in the subdivision. Traffic is an issue that people who reside in the subdivision will have to deal with due to the fact that the subdivision is located between a State Highway and Interstate 45.

Commissioner Hilton expressed his concerns regarding the existing subdivision/deed restriction of the property. **Kulhavy** replied that there are existing violations of the restrictions in the subdivision, and there is not an active Home Owner's Association for the subdivision, however the restrictions are still in place for the subdivision. He also added that the property is of sufficient size, 1.5 acres, to contain both a restaurant and a single family home when questioned regarding the size of the property by Commissioner Hilton.

Commissioner Woods inquired as to Staff knowledge of the applicant's intent to also construct a single family home on the property and whether this would change Staff recommendation regarding the rezoning request. **Kulhavy** replied that Staff had no knowledge of this prior to this evening's Public Hearing and it would not change the Staff recommendation.

Commissioner Hilton asked if would be possible to conditionally approve the rezoning. **Kulhavy** responded no, conditional approval is not possible in a rezoning case, however the commission can make recommendations regarding the rezoning. Commissioner Hilton expressed his desire to have the applicant take measures to have the subdivision/deed restrictions released for the property if the rezoning of the property is approved. **Chairman Johnston** added that the property owner will have to notify all of the property owners within the subdivision and have 51% of the property owners agree to release the restrictions. **Commission Woods** inquired if this would be a requirement if the rezoning is approved. **Kulhavy and Johnston** responded that it would not be a requirement, only a recommendation.

Commissioner Woods made note of the fact that this property, being located adjacent to SH 75 N, is property that would be included in the talked about Commission/City Staff initiated rezoning case for neighborhood conservation zoned property located adjacent to SH 75 N.

Commissioner Hilton made a motion to approve the rezoning of the property. Second was by Commissioner Woods. The vote was unanimous.

7. PUBLIC HEARING to take testimony concerning the adoption of update to the *Development Code* of the City of Huntsville.

Chairman Johnston opened the Public Hearing at 6:06 PM.

Aron Kulhavy gave a power point overview presentation of the *Development Code* update changes covering the process of approval for the updated Code, why the update of the Code, and going over the major changes to the Code. **Kulhavy** ended the presentation noting that there are some remaining items for which the Commission needs to make decisions regarding development requirements for the Code such as manufactured homes outside of park, sidewalks, off premise signs, etc. He proposed that Staff prepare Decision Packages for each of these items. Staff will begin presenting these Decision Packages to the Commission for their consideration and vote at the next scheduled Planning & Zoning Commission Meeting for Thursday, May 7, 2015 at 12:00 pm. The *Development Code* update will not be ready to pass on to City Council for public hearing and adoption by ordinance until Commission has considered these Decision Packages and made their recommendation by vote. Staff goal is to have all of the Decision

Packages considered by the Commission by the end of May 2015. Commissioners may add items to the Decision Package list of items. It is Staff recommendation for the Commission to table consideration of the adoption of the update of the Development Code and continue the Public Hearing of same at the Thursday, May 7, 2015 12:00 pm meeting of the Planning and Zoning Commission.

Charles Smither, Jr. spoke addressing his issues with the update of the Development Code. He did not find the document clear and easy to understand and stating that there are technical errors in the document. He noted that he has concerns with the off-premise sign regulations; the Historical Preservation designation process; restrictions on property zoned as Management when located adjacent to Neighborhood Conservation zoned property; property setbacks; and different criteria for appointment to Boards and Commissions. He feels that the adoption/approval process should not be rushed as the document is lacking in consistency and needs better definition of terms.

There were no other comments from the public.

Chairman Johnston made note of the importance of keeping track of changes made to the update going forward. **Commissioner Woods** stated that the Decision Packages would be a way of tracking the changes.

Chairman Johnston closed the Public Hearing at 7:10 PM.

8. CONSIDER the adoption of the update to the *Development Code* of the City of Huntsville.

Commissioner Woods made a motion to table the consideration of the update to the Development Code and continue the Public Hearing on Thursday, May 7, 2015 at 12:00 pm. Second was by Commissioner Hilton. The vote was unanimous.

9. PUBLIC COMMENTS

Charles Smither, Jr. stated that he hopes the Decision Packages will be part of the meeting agenda packets.

10. ITEMS OF COMMUNITY INTEREST

- The final Rather Park Music Series is this evening.
- Wine Down & Shop Small is Thursday, May 7, 2015.
- Sam Houston Folk Festival is this weekend.

11. ADJOURNMENT

Commissioner Woods made a motion to adjourn. Second was by Commissioner Barry. The motion was approved unanimously. [7:17 PM]

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 7TH DAY OF MAY, 2015 AT 12:00 PM.

Members present: Johnston; Hilton; Soffar; Woods; Barry; Cummings; Anderson

Members absent: Soffar

City staff present: Kulhavy; Ridley

4. CALL TO ORDER

This meeting was called to order by Chairman Johnston. [12:03 PM]

5. PLEDGE OF ALLEGIANCE

- a. U.S. Flag
- b. Texas Flag

6. INVOCATION

Commissioner Anderson led the invocation

4. PUBLIC HEARING to take testimony concerning the adoption of update to the *Development Code* of the City of Huntsville.

Chairman Johnston opened the Public Hearing at 12:04 PM.

Aron Kulhavy presented two options to the Commission for proceeding with the Public Hearing and Consideration of the approval and adoption of the update to the Development Code. First option is to close the Public Hearing, and not take any more public testimony, but continue the consideration of the update to the Development Code at as many subsequent Planning & Zoning Meetings as necessary to address all of the Decision Packages and obtain Commission approval of the update document. Second option is to continue both the Public Hearing and the Consideration at subsequent Planning & Zoning Meetings. Staff is good with either option.

Chairman Johnston stated that the handout of Charles Smither, Jr.'s. public comments at the City Council Meeting on May 5, 2015 would be included as Public Hearing testimony.

Commissioner Woods made a motion close the Public Hearing for today and be continued on Thursday, May 21, 2015 at 5:30 pm. Second was by Commissioner Hilton. The vote was unanimous.

Chairman Johnston closed the Public Hearing for today's meeting at 12:08 PM.

5. CONSIDER decision packages and the adoption of the update to the *Development Code* of the City of Huntsville.

Aron Kulhavy presented the Decision Package on Billboards noting that the current code allows billboards, or off premise signs as per the Development Code, with many requirements attached. However, there are locations in the City where code requirements are met and billboards are permitted. The Decision Package presented two options. (1) Prohibit all new billboard construction within the city limits and the ETJ. (2) Allow for the placement of new billboards consistent with the existing code. Replacement of legal non-conforming signs grandfathered by the code update will be presented as a separate Decision Package at a future meeting.

Commissioner Cummings made a motion to adopt option 1 to prohibit all new billboards within the city limits and ETJ. Second was by Commissioner Woods. The vote was unanimous.

Aron Kulhavy presented the Decision Package on Sign Height with three options. (1) Leave the current standards as is. (2) Increase the allowable height along one or more roads. (3) Decrease the allowable height along one or more roads.

Commissioner Hilton made a motion to adopt option 1 to leave the current standards as is. Second was by Commissioner Barry. The vote was unanimous.

Aron Kulhavy presented the Decision Package on Sign Code Variances with two options. (1) Do not allow for variances to the Development Code for sign regulations. (2) Allow for variances to sign regulations to be considered by:

- a. Zoning Board of Adjustments (known as Board of Appeals in updated code)
- b. Planning Commission
- c. City Council
- d. New board created solely for this purpose.

It was pointed out that in discussion that the current code does allow for sign code variances and that the threshold for proving special circumstances to grant a variance is high. The vote for granting a variance by the Zoning Board of Adjustments is a super majority (four out of five).

Commissioner Cummings made a motion to adopt option 2a to allow for variances to sign regulations to be considered by the Zoning Board of Adjustments (known as Board of Appeals in updated code). Second was by Commissioner Hilton. The vote was unanimous.

Aron Kulhavy presented the Decision Package on Manufactured Housing (MH) on lots outside of MH parks with two options. (1) Allow for the placement of MHs on lots in the management district similar to current practice. (2) Prohibit the placement of MHs outside of MH parks and grandfather all MHs in place.

A MH park is defined per the new code as a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. The code update will allow for the creation of new MH parks/subdivision. The development requirements for the creation of new MH parks will be presented as a Decision Package at a future Commission meeting along with the replacement of existing legal non-conforming grandfathered manufactured homes. State law requires that MHs be allowed within the city limits, however the city does have the authority to regulate them and requiring placement in MH parks is a way to do this.

Commissioner Woods made a motion to adopt option 2 to prohibit the placement of MHs outside of MH parks and grandfather all MHs in place. Second way by Commissioner Hilton. The vote was unanimous.

Aron Kulhavy went over the Decision Package list making the Commissioners aware that they may have additional items placed on the list. **Commissioner Woods** indicated that there may be some items noted by Mr. Charles Smither, Jr. per public comments which may be appropriate for consideration by the Decision Package method. **Commissioner Woods** also inquired if the preliminary plat approval process revision will be presented as a Decision Package. **Kulhavy** responded that it will not be Decision Package for the Commission's consideration. It will be part of the decision package for City Council approval. The Commission agreed that the Decision Package process is working well.

9. PUBLIC COMMENTS

Charles Smither, Jr. stated that the items presented in his public comments to city council were simple, non-technical issues which he has with the code update. He proceeded to comment on additional items with which he has issues in the Development Code update document such as the setback changes, definition of urban and residential lots, access easements for emergency and private property access, parking requirements, parking surfaces, development restrictions for management district property adjacent to neighborhood conservation district property, and unified development being replaced by planned development.

10. ITEMS OF COMMUNITY INTEREST

- SHSU Bearkats vs. Texas A&M Aggies on Tuesday, May 12, 2015 at SHSU.

11. ADJOURNMENT

Commissioner Hilton made a motion to adjourn. Second was by Commissioner Barry. The motion was approved unanimously. [1:06 PM]

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 21ST DAY OF MAY, 2015 AT 5:30 PM.

Members present: Johnston; Hilton; Soffar; Woods; Barry; Anderson
Members absent: Cummings
City staff present: Kulhavy; Ridley

7. CALL TO ORDER

This meeting was called to order by Chairman Johnston. [5:33 PM]

8. PLEDGE OF ALLEGIANCE

- a. U.S. Flag
- b. Texas Flag

9. INVOCATION

Commissioner Anderson led the invocation

4. CONSIDER the minutes of April 30, 2015

Commissioner Woods made a motion to approve the minutes. Second was by Commissioner Barry. The vote was unanimous with one correction to change consistence to consistency in last sentence of Charles Smither, Jr's. comments on page 3.

5. CONSIDER the minutes of May 7, 2015

Commissioner Anderson made a motion to approve the minutes. Second was by Commissioner Hilton. The vote was unanimous with one correction to add the second to the motion regarding the decision package for MHs outside of MH parks on page 2.

6. PUBLIC HEARING to take testimony concerning the adoption of update to the *Development Code* of the City of Huntsville.

Chairman Johnston opened the Public Hearing at 5:37 PM.

Aron Kulhavy introduced the decision packages on the agenda for the Commissioners consideration outlining the process for revision of the draft of the Development Code Update, tracking these decisions and any other requested changes made, prior to the final approval of the document by the Commission.

Charles Smither, Jr. spoke, addressing the following Development Code update issues:

- Section 9.1005 – regarding the order and wording of the variance procedure;
- Suggestion regarding the sidewalk extension decision package;
- Requested clarification regarding the number of respondents to the survey questions;
- Presented information from the Occupation Code, Section 1201.008 regarding the prohibition of mobile/manufactured homes hoping that the Development Code update will not be in conflict with a State statute.

Commissioner Hilton brought up the issue of requiring skirting for pier & beam structures as skirting is required for manufactured homes. **Kulhavy** responded that the skirting of pier & beam structures is not required by the building code, but can be added as a requirement by the *Development Code*. It was decided to have a decision package on this issue for the next Commission meeting.

Commissioner Hilton also brought up the issue of a developer being able to pay a fee in lieu of the dedication of park/open space (Section 10.902 of code update). A decision package will also be presented to the Commission on this issue.

Chairman Johnston closed the Public Hearing for today's meeting at 6:03 PM. [Public Hearing will resume at the June 4, 2015, 12:00 PM Commission meeting.]

7. CONSIDER decision packages and the adoption of the update to the *Development Code* of the City of Huntsville.

Aron Kulhavy presented the Decision Package on grandfathered, (legally non-conforming), Billboards noting that State Law requires the 60% allowance for nonconforming signs. The code update has the 60% allowance. No decision is required by the Commission.

Aron Kulhavy presented the Decision Package on Paved Parking with two options. (1) Prohibit parking lots not paved with impervious surface such as concrete, asphalt, or comparable equal. (2) Allow parking lots not paved with impervious surface such as concrete, asphalt or comparable equal. Current code does not require a hard surface such as asphalt or concrete. Compacted base material is allowed as surface material.

Commissioner Hilton made a motion to adopt option 1. Second was by Commissioner Woods. The vote was unanimous.

Aron Kulhavy presented the Decision Package on Planning & Zoning ETJ Member with two options. (1) Allow members of the Planning Commission to reside in the ETJ. (2) Require that members of the Planning Commission reside in the City Limits.

Commissioner Woods made a motion to adopt option 1. Second was by Commissioner Anderson. The vote was unanimous.

Aron Kulhavy presented the Decision Package on Electronic Message Centers/Dynamic Displays with 5 options as follows:

- 1) Allow the signs to continue to operate with no regulation on lighting, message display or size of the display area.
- 2) Prohibit any new electronic message centers.
- 3) Limit the display area to a maximum of 48 square feet or the total size of the sign, whichever is less.
- 4) Regulate the brightness intensity of the signs by placing limitations on the day time and night time settings while not addressing the display of the message on the sign.
- 5) Limit the messages displayed to a minimum static time of ten (10) seconds and regulate the transition from one message to another.

Kulhavy noted that for existing signs, which would be grandfathered by the code update, there are controls on the existing signs which can be modified to bring them into compliance with adopted lighting and display requirements.

After lengthy discussion, the Commission agreed to recommend allowing these types of signs in the future, limit the maximum display area to 48 square feet, and to limit the brightness and intensity of all, including existing, signs of this type. The Commission decided to table decision regarding the minimum static display time to allow Commissioners the opportunity to observe current displays on existing signs.

Commissioner Woods made a motion to table the vote on this decision package until the Commission meeting scheduled for June 4, 2015. Second was by Commissioner Hilton. The vote was 5-1, with Commissioner Anderson voting in opposition and requesting to be on record as being in favor of options 3, 4, and 5 with requirement of minimum of 5 second static message display as he will not be in attendance at the June 4th meeting.

Aron Kulhavy presented the Decision Package on Sidewalks for new development with 5 options as follows:

- 1) Require sidewalks as identified by the sidewalk master plan.
- 2) Require sidewalks on arterial and collector streets.

- 3) Require sidewalks on all but single family residential projects (only applies to the construction of a single residence; a new subdivision would be required to install sidewalks.)
- 4) Sidewalks should not be required by any project.
- 5) Sidewalks should be required on all new projects.

Commissioner Woods made a motion to adopt options 1, 2, & 3 with review and update of the Sidewalk Master Plan to reflect the changes. Second was by Commissioner Soffar. The vote was unanimous.

Aron Kulhavy presented the Decision Package on Underground Utilities on all new developments with two options. (1) Do not require underground utilities for new development. (2) Require underground utilities for new development with the exception of properties where the utilities on both sides are already above ground.

The Commissioners discussed exceptions being added for developments where practical or technical issues exist. Exceptions based purely on economics will not be allowed.

Commissioner Hilton made a motion to adopt option 2 with the exception for technical and practicality issues - not issues based purely on economics. Second was by Commissioner Anderson. The vote was unanimous.

Aron Kulhavy presented the Decision Package on Mobile/Manufactured Home Parks with 4 options as follows:

- 1) MH parks allowed for construction in the Management district with a conditional use permit.
- 2) All MH parks be constructed in accordance with the subdivision standards of the Development Code.
- 3) New MH parks be constructed to standards less than that of public infrastructure with criteria to address density, common areas, roads, utilities, setbacks, storage buildings, parking spaces and grandfather all existing parks in their current condition.
- 4) Create new construction standards as in option 3 and require existing MH parks to be improved to a level of minimum standards.

The Commissioners discussed minimum requirements for existing MH parks and additional guidelines for the construction of new MH parks. They also requested additional information concerning the minimum number of MHs to be considered a park. Staff will present more specific recommendations for MH parks at June 4th Commission Meeting.

Commissioner Hilton made a motion to table vote on decision package until June 4th scheduled Commission meeting. Second was by Commissioner Soffar. The vote was unanimous.

Aron Kulhavy presented the Decision Package on Historic Preservation with 3 options as follows:

- 1) Leave the code as currently written and only allow property owners to initiate a request.
- 2) Take the unanimous recommendation of the Historic Preservation Commission and allow for a property owner, the HPC, and the City Council to initiate a request.
- 3) Allow for only the property owner or the Council to initiate a request.

The Commissioners discussed Option 2 with concern for property owner's rights being particularly expressed by **Commissioner Woods**. It was explained that if the HPC were to initiate a request for Historic Designation for a property, there would be a total of four public hearings, one with the HPC, one with the Planning Commission, and two with City Council with City Council making the final decision on the Historical designation of the property. A property owner would have four opportunities to clearly express his opposition, (if that is the case), to the Historical designation of his property. It was also pointed out that at the time City Council voted to allow only the property owner to apply for Historical designation, there was not a Historical Preservation Commission in place to review and make assessment regarding the historical value of a property.

*Commissioner Anderson made a motion to adopt option 2 with the revision of the wording as follows:
"... property owner **and/or** the HPC **and/or** the City Council..."*

Second was by Commissioner Hilton. The vote was 4-2 with Commissioners Woods & Barry in opposition.

8. PUBLIC COMMENTS

Charles Smither, Jr. stated his opposition to the Historic Preservation decision being concerned with burdens placed on the property owner upon the Historic Preservation designation of property.

9. ITEMS OF COMMUNITY INTEREST

- Downtown Farmer's Market is open on Saturday mornings.
- Walker County Farmer's Market will open at the mall at the end of the month.
- Monday, May 26 is Memorial Day. Everyone is encouraged to have a safe holiday.
- Kudos were given to the SHSU Bearkat baseball team regarding their play so far in the Conference Tournament.

10. ADJOURNMENT

Commissioner Woods made a motion to adjourn. Second was by Commissioner Hilton. The motion was approved unanimously. [7:38 PM]

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 4th DAY OF JUNE, 2015 AT 12:00 PM.

Members present: Johnston; Hilton; Soffar; Woods; Barry; Cummings
Members absent: Anderson
City staff present: Kulhavy; Ridley; Campbell (Intern)

10. CALL TO ORDER

This meeting was called to order by Chairman Johnston. [12:06 PM]

11. PLEDGE OF ALLEGIANCE

- a. U.S. Flag
- b. Texas Flag

12. INVOCATION

Commissioner Barry led the invocation

4. CONSIDER the minutes of May 21, 2015

*Commissioner Woods made a motion to approve the minutes. Second was by Commissioner Soffar.
The vote was unanimous.*

5. PUBLIC HEARING to take testimony concerning the adoption of update to the *Development Code* of the City of Huntsville.

Chairman Johnston opened the Public Hearing at 12:09 PM.

Aron Kulhavy stated that two packets with comments from Charles Smither, Jr. regarding the Development Code Update have been placed in front of the Commissioners today as part of the public hearing.

Charles Smither, Jr. spoke, addressing the following *Development Code* update issues:

- Setbacks per Table 5
- Section 6.1105B, question regarding the allowed 15% reduction in minimum lot standards for property with combined driveway access as it relates to total required square footage for the lots.
- Sections 11.400 & 11.402, prohibition of moving non-conforming structures.
- Question regarding staff approval differences; Engineer approval for easements in Section 10.1401.B and Building Official approval of permit for driveways in 6.1103.
- Section 5.800, clarification of allowed access to lots from private streets.
- Need to better define town house and row house lots and problem with the reference to Webster's Unabridged Dictionary for definitions not in the Code, which he could not find in the library or on the internet.

Commissioner Soffar commented that people do have problems with the definition of townhomes and condos and not knowing the difference.

Aron Kulhavy questioned Mr. Charles Smither, Jr. regarding his issue with townhouse lots. Smither is concerned about full size single family dwelling structures being placed on lots designed for townhomes.

Chairman Johnston closed the Public Hearing for today's meeting at 12:20 PM. [Public Hearing will resume at the June 18, 2015, 5:30 PM Commission meeting.]

6. CONSIDER decision packages and the adoption of the update to the *Development Code* of the City of Huntsville.

Aron Kulhavy opened the discussion by answering the question from the May 21, 2015 Commission meeting regarding the number of respondents to the public survey questions. There were 79 total

respondents to the survey from the on-line version of the survey and the public meetings.

Aron Kulhavy presented the Decision Package on Skirting for Pier and Beam Structures with two options. (1) Require skirting for pier & beam structures. (2) Do not require skirting for pier & beam structures. Currently there is no requirement for skirting for pier & beam structures, this decision package being presented at the request of the Planning & Zoning Commission. The Building Code governs the construction requirements for pier & beam structures. The Building Code requires that the bottom of the structure be varmint proofed to keep them out of the house, skirting being one way to do this. A requirement can be placed in the *Development Code* for skirting for pier & beam structures if the Commission votes to do so.

Commissioner Woods made a motion to adopt option 1 using the same criteria for skirting material as for manufactured homes. Second was by Commissioner Soffar. The vote was unanimous.

Aron Kulhavy presented the Decision Package on Fee in lieu of Park land dedication with two options. (1) Allow for the Planning Commission to accept a fee in lieu of park land dedication. (2) Prohibit the Planning Commission from accepting a fee in lieu of park land dedication. The current *Development Code* allows for a developer to pay a fee, with many conditions attached, in lieu of dedicating the required amount of land for parks and/or open space. This decision package is presented at the request of Commissioner Hilton. As to the survey results to this question, Kulhavy explained that the question was poorly worded, therefore Staff recommends that Commission disregard the survey results to the question.

The discussion of this package brought out that staff has no record of a fee ever being collected in lieu of the dedication of park land and/or open space. Currently all park land and/or open space created per the residential subdivision requirements is not dedicated to the City for ownership and maintenance. The park/open space is owned and maintained by the owner/developer or subdivision home owners association. The requirement for dedication of park land and/or open space is dependent on the size of the subdivision, with the current *Development Code* requiring one (1) acre per one hundred (100) dwelling units or ten (10) percent of the development's land area. Typically, subdivisions of less than five (5) lots do not trigger the requirement to dedicated park land/open space. Developers of subdivisions in two or more sections may dedicate the required park land in stages.

Commissioner Cummings made a motion to adopt option 2. Second was by Commissioner Soffar. The vote was unanimous.

Aron Kulhavy presented the Decision Package on Electronic Message Centers/Dynamic Displays, consideration of this package being continued from the Commission meeting on May 21, 2015, with five options:

- 1) Allow the signs to continue to operate with no regulation on lighting, message display or size of the display area.
- 2) Prohibit any new electronic message centers.
- 3) Limit the display area to a maximum of 48 square feet or the total size of the sign, whichever is less.
- 4) Regulate the brightness intensity of the signs by placing limitations on the day time and night time settings while not addressing the display of the message on the sign.
- 5)
 - a. Limit the messages displayed to a minimum static time of ____?____ seconds and regulate the transition from one message to another.
 - b. Do not limit the displayed message static time or regulate the transition from one message to another.

As per the discussion of this package at the May 21, 2015 Commission meeting the Commissioners had agreed upon Options 3 and 4, the discussion was focused on Option 5. It was explained that for safety issues, the distraction factor increases the faster the displayed electronic message changes. From observation of existing signs in the City, the static display time of the majority signs in the City is three (3) seconds or less. It will be difficult for City staff to enforce a code requirement of static display time of less than 5 seconds. The approved options will apply to all electronic message display signs in the City, existing and new.

Commissioner Cummings made a motion to adopt options 3, 4 & 5a with the static message display time of five (5) seconds. Second was by Commissioner Barry. The vote was 4-2 with Commissioner Hilton & Chairman Johnston opposing.

Aron Kulhavy presented the Decision Package on Mobile/Manufactured Home Parks, consideration of this package being continued from the Commission meeting on May 21, 2015, with four options:

- 1) MH parks allowed for construction in the Management district with a conditional use permit.
- 2) All MH parks be constructed in accordance with the subdivision standards of the Development Code.
- 3) New MH parks be constructed to standards less than that of public infrastructure with criteria to address density, common areas, roads, utilities, setbacks, storage buildings, parking spaces and grandfather all existing parks in their current condition.
- 4) Create new construction standards as in option 3 and require existing MH parks to be improved to a level of minimum standards.

The Commission had requested at the May 21, 2015 meeting that staff provide guidelines and regulations for the development of new Mobile/Manufactured Home Parks, (MH parks). Due to the complex nature of developing guidelines and regulations for MH parks and time required, Staff recommended that the Commission approve Option 1, allowing time for Staff and the Commission to draft suitable regulations for parks, and not hold up the approval process of the *Development Code* update. As currently drafted, the placement of more than one MH on a lot will require review as a MH park. Review as a MH park will require an application, public hearing and review by both the Planning Commission and City Council, and final consideration as a second reading by the Council. Staff does believe that the number of MHs on a lot to be considered a park is low and does recommend that the minimum number of MHs on a lot to be considered a park should be four (4).

Commissioner Woods made a motion to approve Option 1 with a minimum of four (4) MHs being a MH park. Second was by Commissioner Hilton. The vote was unanimous.

Aron Kulhavy stated that the Commission has now completed consideration of all of the Decision Packages. The Consultant will now revise the draft of the *Development Code* update to reflect the decisions made and the other minor changes noted by Staff and Commissioners. The revisions will be tracked by use of a different text color or other means so that the Commission will be able to clearly distinguish the latest changes to the code update document. Staff has received clear direction to have the Development Code update document ready for first public hearing in front of City Council at their scheduled July 7th, 2015 meeting. Staff anticipates final review of draft revisions with vote on approval of document at the June 18th Commission meeting, the subsequent July 2nd Commission meeting, or special called meeting to have P & Z recommendation to Council prior to July 7, 2015.

7. PUBLIC COMMENTS

Charles Smither, Jr. stated his concern with Neighborhood Conservation district, (NC), definition. The definition does not specify only stick built homes in NC. It does not prohibit a manufactured home subdivision from being in the NC district. He feels that there will be a problem with this and the fact that the Code prohibits manufactured homes from being placed outside of manufactured home parks with there not being any development regulations defined as of yet for manufactured home parks. Smither also pointed out expense of development of manufactured home parks to City subdivision standards, citing the current development costs of Sterling Ridge subdivision. He also presented an imagined scenario to illustrate his opposition to the Historical Preservation ordinance allowing designation of property by anyone other than the property owner.

8. ITEMS OF COMMUNITY INTEREST

- Downtown Farmer's Market is open on Saturday mornings.
- Huntsville High School graduation ceremony is this Saturday, June 6th.
- Austin Campbell, Summer Intern with Community & Economic Development Department, (present at meeting) is a member of the SHSU Bearkat football team – linebacker position.

9. ADJOURNMENT

Commissioner Hilton made a motion to adjourn. Second was by Commissioner Soffar. The motion was approved unanimously. [1:32 PM]

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 16th DAY OF JULY, 2015 AT 5:30 PM.

Members present: Johnston; Soffar; Woods; Barry; Anderson; Hilton; Cummings
Members absent: None
City staff present: Kulhavy; Ridley; Campbell (Intern)

13. CALL TO ORDER

This meeting was called to order by Chairman Johnston. [5:39 PM]

14. PLEDGE OF ALLEGIANCE

- a. U.S. Flag
- b. Texas Flag

15. INVOCATION

Commissioner Anderson led the invocation

4. CONSIDER the minutes of June 25, 2015.

Commissioner Woods made a motion to approve the minutes. Second was by Commissioner Soffar. The vote was unanimous.

5. CONSIDER the adoption of update to the *Development Code* of the City of Huntsville.

Aron Kulhavy brought the Commissioners up to date on the City Council action on the *Development Code* update decision packages which were presented to Council on July 7, 2015. Kulhavy also informed the Commissioner of several items which were changed in the *Development Code* update upon the recommendation of the City Attorney.

*Commissioner Soffar made a motion to recommend adoption of the *Development Code* update as drafted and approved by the P&Z Commission. Second was by Commissioner Hilton. The vote was unanimous.*

6. DISCUSS the Joint Workshop of the P&Z and City Council on July 21, 2015 at 5:00 pm.

Aron Kulhavy and the Commissioners discussed the agenda, format, and items for discussion for the joint workshop.

7. PUBLIC COMMENTS

Charles Smither, Jr. expressed his opinion regarding City Council inclusion in the major plat approval process and his disapproval of the workshop format for discussing this item as scheduled for 1 hour prior to the City Council Meeting. He also commented on lot prices, specifically, the potential sell of a city owned lot in Elkins Lake subdivision for \$500 dollars and the tax sale of a lot on 8th Street for \$7500 because a manufactured home can be placed on the lot. He expressed that he does not agree with the decision of the P & Z to prohibit manufactured home placement outside of manufactured parks.

8. ITEMS OF COMMUNITY INTEREST

None

9. ADJOURNMENT

Commissioner Woods made a motion to adjourn. Second was by Commissioner Hilton. The motion was approved unanimously. [6:40 PM]

Development Code Outreach Survey Results

TRUE	FALSE		TRUE	FALSE	n/a	Total
68%	32%	I live within the city limits of Huntsville.	52	24	3	79
46%	54%	There is a desire for additional zoning	34	40	5	79
54%	46%	The city should regulate hours of construction	41	35	3	79
55%	45%	The city should allow construction after 8pm	42	34	3	79
67%	33%	The city should allow construction after 8am	50	25	4	79
58%	42%	The city should allow non-profit temp signs	44	32	3	79
62%	38%	The city should prohibit temporary enents out of city	48	29	2	79
37%	63%	The city should prohibit on-premise temp signs	28	48	3	79
53%	47%	The city should prohibit new billboards	41	36	2	79
56%	44%	The city should more tightly regulate electronic boards	43	34	2	79
43%	57%	Allow variances to the Sign Code	33	43	3	79
63%	37%	restrict Manufactured/Mobile Homes	49	29	1	79
72%	28%	skirting on all Manufactured/Mobile Homes	56	22	1	79
68%	32%	require underground utilities	53	25	1	79
56%	44%	all parking be paved with an impervious surface	44	35		79
78%	22%	utility extensions to properties	61	17	1	79
53%	47%	required tie in to city utilitues w/n 1 year	42	37		79
36%	64%	remove variance for fee in lue of dedicated parks	28	49	2	79

Development Code Outreach Survey Results

	Contractor/Builder	Realtor	Surveyor/Engineer	Other			
I am currently employed/ licensed as a:	2	10	8	56		3	79
	3%	13%	11%	74%			
	City Council	Planning Commission	Board of Appeals	Other			
who should be responsible for sign variances	15	22	24	16		2	79
	19%	29%	31%	21%			
	Greater than 42'6"	Remain at 42'6"	Less than 42'6"				
regulations of sign height	27	40	9			3	79
	36%	53%	12%				
	sidewalk master plan	arterial and collector	All but single family	should not be required	should be required on all		
require sidewalks	16	11	5	14	33		79
	20%	14%	6%	18%	42%		

online 56

11/6/2014 11

11/10/2014 5

11/19/2014 7

79

ORDINANCE 2015-33

AN ORDINANCE OF THE CITY OF HUNTSVILLE AMENDING CHAPTER 24 LAND DEVELOPMENT OF THE HUNTSVILLE, TEXAS CODE OF ORDINANCES BY ADOPTING REVISIONS TO THE DEVELOPMENT CODE OF THE CITY OF HUNTSVILLE, TEXAS; REQUIRING THE PUBLICATION OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A PENALTY; MAKING OTHER PROVISIONS AND FINDINGS THERETO; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Huntsville held public hearings prior to consideration of amending the ordinance;

WHEREAS, the Planning and Zoning Commission recommended adopting the updates to the City of Huntsville Development Code; and

WHEREAS, the City Council held a public hearing at their meeting on July 7, 2015 prior to consideration of amending the Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, COUNTY OF WALKER, STATE OF TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Huntsville, Texas, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

II. AMENDMENT

The Development Code of the City of Huntsville, Texas, Chapter 24, Land Development, of the Huntsville, Texas Municipal Code shall be amended as shown in Exhibit 1 attached hereto and incorporated herein.

III. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

IV. SEVERABILITY

Should any paragraph, sentence, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

V. EFFECTIVE DATE

This Ordinance shall take effect on August 31, 2015. The City Secretary shall publish the caption of this Ordinance in the official City newspaper at least twice within ten (10) days of its passage.

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 1 of the Development Code of the City of Huntsville, Texas.

PASSED AND APPROVED on this the 18th day of August 2015

THE CITY OF HUNTSVILLE, TEXAS

Mac Woodward, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney



CITY COUNCIL AGENDA

8/18/2015

Agenda Item: 7a

Item/Subject: Consider adopting Ordinance 2015-38, amending the City of Huntsville City Council Rules of Procedure, first reading.

Initiating Department/Presenter: City Council

Presenter: Councilmember Joe Emmett, Chair

Recommended Motion: Move to adopt Ordinance 2015-38, amending the City of Huntsville City Council Rules of Procedure.

Discussion: At the July 21, 2015 meeting, the City Council approved appointment of a Council committee to review the Rules of Procedure. The members met and considered several issues, and here offer recommendations in two main areas.

1. Minor updates to Annexes B and C (shown in red), and the removal of Annex D, allowing the Council's Rules to be fully in concert with its adopted parliamentary reference.
2. Addition of the words "and has no Conflict of Interest," in Section 5.03, when referring to a Councilmember's ability to submit written comments (see page 3, Exhibit A).

Previous Council Action: None

Financial Implications:

☒ There is no financial impact associated with this item.

Approvals: ☐ City Attorney ☐ Director of Finance ☒ City Manager

Associated Information:

- Proposed Ordinance 2015-38 and exhibit (pages 2-3)

ORDINANCE NO. 2015-38

AN ORDINANCE OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE RULES AND PROCEDURES FOR THE CITY OF HUNTSVILLE CITY COUNCIL; MAKING VARIOUS OTHER FINDINGS AND PROVISIONS RELATED THERETO; AND DECLARING AN EFFECTIVE DATE.

WHEREAS Section 4.08 of the City Charter of the City of Huntsville states that “The Council shall by ordinance determine its own rules and order of business”; and

WHEREAS the City Council adopted Rules of Procedure by Ordinance 2004-21 on November 9, 2004; and as amended by Ordinance 2006-03 on January 17, 2006; by Ordinance 2007-05 on February 6, 2007; by Ordinance 2007-13 on April 17, 2007; by Ordinance 2008-30 on August 19, 2008; by Ordinance 2009-28 on March 3, 2009; by Ordinance 2009-46 on July 8, 2009; by Ordinance 2011-21 on February 15, 2011, by Ordinance 2012-20 on March 20, 2012, by Ordinance 2013-19 on May 7, 2013, by Ordinance 2014-33 on May 20, 2014, and by Ordinance 2015-28 on July 21, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, THAT:

Section 1: The Rules of Procedures for the City Council of the City of Huntsville are hereby amended as Exhibit A.

Section 2: This Ordinance shall take effect immediately upon its passage by the City Council.

PASSED AND APPROVED on this the _____ day of _____ 2015.

CITY OF HUNTSVILLE, TEXAS

Mac Woodward, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney

EXHIBIT A

RULES OF PROCEDURE

CITY OF HUNTSVILLE, TEXAS

- 5.03. Voting.

- a. When a vote is called, every member present shall vote either "Aye" or "No" except on matters involving a conflict of interest that compels a Councilmember to abstain. A Councilmember who cannot be present for a vote(s), and has no Conflict of Interest, may submit an opinion in writing to the City Secretary, to be read aloud during discussion of the item, prior to the vote(s) being taken.

- Removal of Annex D in its entirety

- Changes to Annexes B & C as shown

ANNEX B
The Chief Purposes of Motions

PURPOSE	MOTION
Present an idea for consideration and action	Main motion Resolution Amendment Division of question Least or extend debate Close debate/previous question
Improve a pending motion	Amend Division of question
Regulate or cut off debate	Least or extend debate Close debate/previous question
Delay a decision	Refer to committee Postpone to a certain time Postpone-temporarily Recess Adjourn
Act in haste	Vote now/adjourn
Meet an emergency	Question of privilege Suspend rules Lay on the table
Use information on a pending motion	Parliamentary inquiry Request for information Request to ask a member a question Question of privilege
Question the decision of the presiding officer	Point of order Appeal from decision of the chair
Enforce rights and privileges	Division of assembly Division of question Parliamentary inquiry Point of order Appeal from decision of the chair
Remember a question again	Recess-suspend rules Recharge a conversation Reconsider Renew a motion Renew a previous action Rescind Rescind
Change an action already taken	Rescind Renew a previous action Adjourn Recess
Terminate a meeting	Adjourn Recess

City of Huntsville, Texas Rules of Procedure

July 21, 2015

ANNEX C
Parliamentary Strategy

To Support a Motion	To Oppose a Motion
<ol style="list-style-type: none"> Second it promptly and enthusiastically Speak in favor of it as soon as possible Do your homework, know your facts, have handouts, charts, overheads/propaganda-slides, etc. if appropriate Move to amend motion, if necessary, to make it more acceptable to proponents Vote against motion to table or to postpone, unless delay will strengthen your position Move to recess or postpone, if you need time to marshal facts or work behind the scenes If defeat seems likely, move to refer to committee, if that would improve chances If defeat seems likely, move to divide question, if appropriate, to gain at least a partial victory Have available a copy of the rules of procedure, City Charter, and Robert's Rules of Order Newly Revised, most recent edition, in case of a procedural dispute If motion is defeated, move to reconsider, if circumstances warrant it If motion is defeated, consider reintroducing it at a subsequent meeting 	<ol style="list-style-type: none"> Speak against it as soon as possible. Raise question, try to put proponents on the defensive Move to amend the motion so as to eliminate objectionable aspects Move to amend the motion to sub-committee Draft a more acceptable version and offer an amendment by substitution Move to postpone to a subsequent meeting Move to refer to committee Move to recess, if you need time to round up votes or obtain more facts Question the presence of quorum, if appropriate Move to adjourn On a voice vote, vote emphatically If the motion is adopted, move to reconsider, if you thought it was a subsequent vote If the motion is adopted, consider trying to rescind it at a subsequent meeting Have available a copy of the rules of procedure, City Charter and Robert's Rules of Order Newly Revised, most recent edition, in case of a procedural dispute

City of Huntsville, Texas Rules of Procedure

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July 21, 2015

ANNEX B

The Chief Purposes of Motions

PURPOSE	MOTION
Present an idea for Consideration and action	Main motion Resolution Consider informally
Improve a pending motion	Amend Division of question
Regulate or cut off debate	Limit or extend debate Close debate Previous Question
Delay a decision	Refer to committee Postpone to a certain time Postpone temporarily Recess Adjourn
Kill an item	Postpone Indefinitely
Meet an emergency	Question of privilege Suspend rules Lay on the Table
Gain information on a pending motion	Parliamentary inquiry Request for information Request to ask a member a question Question of privilege
Question the decision of the presiding officer	Point of order Appeal from decision of the chair
Enforce rights and privileges	Division of assembly Division of question Parliamentary inquiry Point of order Appeal from decision of the chair
Consider a question again	Resume consideration Take from the Table Discharge a committee Reconsider Rescind Renew a motion Amend a previous action Ratify
Change an action already taken	Reconsider Rescind Amend a previous action
Terminate a meeting	Adjourn Recess

ANNEX C

Parliamentary Strategy

To Support a Motion	To Oppose a Motion
<ol style="list-style-type: none"> 1. Second it promptly and enthusiastically. 2. Speak in favor of it as soon as possible. 3. Do your homework; know your facts; have handouts, charts, overhead projector slides, etc. if appropriate. 4. Move to amend motion, if necessary, to make it more acceptable to proponents. 5. Vote against motion to table or to postpone, unless delay will strengthen your position. 6. Move to recess or postpone, if you need time to marshal facts or work behind the scenes. 7. If defeat seems likely, move to refer to committee, if that would improve chances. 8. If defeat seems likely, move to divide question, if appropriate, to gain at least a partial victory. 9. Have available a copy of the rules of procedure, City Charter, and <i>Robert's Rules of Order Newly Revised</i>, most recent edition, in case of a procedural dispute. 10. If motion is defeated, move to reconsider, if circumstances warrant it. 11. If motion is defeated, consider reintroducing it at a subsequent meeting. 	<ol style="list-style-type: none"> 1. Speak against it as soon as possible. Raise question; try to put proponents on the defensive. 2. Move to amend the motion so as to eliminate objectionable aspects. 3. Move to amend the motion to adversely encumber it. 4. Draft a more acceptable version and offer as amendment by substitution. 5. Move to postpone to a subsequent meeting. 6. Move to refer to committee. 7. Move to recess, if you need time to round up votes or obtain more facts. 8. Question the presence of quorum, if appropriate. 9. Move to adjourn 10. On a voice vote, vote emphatically. 11. If the motion is adopted, move to reconsider, if you might win a subsequent vote. 12. If the motion is adopted, consider trying to rescind it at a subsequent meeting. 13. Have available a copy of the rule of procedure, City Charter, and <i>Robert's Rules of Order Newly Revised</i>, most recent edition, in case of a procedural dispute.

ANNEX-D

Principal Rules Governing Motions

<i>Order of precedence (1) — another has the floor?</i>	<i>In order when</i>	<i>Requires</i>	<i>Debatable</i>	<i>Amendable</i>	<i>Vote</i>	<i>Applies to what</i>	<i>Can have what other</i>
		<i>second?</i>				<i>other motions?</i>	<i>motions applied to it?</i>
Privileged Motions							
1. Fix the Time to Which to Adjourn	No	Yes	No (3)	Yes	Majority	None	Amend
2. Adjourn	No	Yes	No (3)	Yes (3)	Majority	None	Amend
3. Recess	No	Yes	Yes (3)	Yes (3)	Majority	None	Amend (3)
4. Raise a Question of Privilege	Yes	No	No	No	None	None	None
5. Call for the Orders of the Day	Yes	No	No	No	Chair rules	None	None
Subsidiary Motions							
6. Lay on the Table	No	Yes	No	No	Majority	Debatable motions	None
4. Previous Question	No	Yes	No	No	2/3	Debatable motions	None
5. Limit or Extend Limits of Debate	No	Yes	Yes (3)	Yes (3)	2/3	Debatable motions	Amend (3)
6. Postpone to Certain Time/Definitely	No	Yes	Yes (3)	Yes (3)	Majority	Main motion	Amend, close debate, limit debate
7. Commit or Refer to Committee	No	Yes	Yes (3)	Yes (3)	Majority	Main motion	Amend, close debate, limit debate (3)
8. Amend	No	Yes	Yes	Yes	Majority	Reverendable motions	Close debate, limit debate, amend
9. Postpone Indefinitely	No	Yes	No	No	Majority	Main motion	None
Main Motions							
10. a. The main motion	No	Yes	Yes	Yes	Majority	None	Restorative, subsidiary
b. Restorative main motions							
Amend a previous action	No	Yes	Yes	Yes	Majority	Main motion	Subsidiary, restorative
Rescind	No	Yes	Yes	Yes	Majority	Previous motion	Subsidiary
Reconsider	Yes	Yes	Yes (3)	No	Majority	Main motion	Close debate, limit debate
Take from the Table/Resume consideration	No	Yes	Yes	No	Majority	Main motion	Close debate, limit debate
					No	Majority	Main motion

INCIDENTAL MOTIONS

<i>No Order of precedence</i>	<i>Can</i>	<i>Interrupt?</i>	<i>Requires</i>	<i>Debat</i>	<i>Amend</i>	<i>Vote</i>	<i>Applies to what</i>	<i>Can have what other</i>
			<i>second?</i>	<i>able</i>	<i>able</i>		<i>other motions?</i>	<i>motions applied to it?</i>
Motions								
Appeals	Yes	Yes	Yes	Yes	No	Majority	Decision of chair	Close debate, limit debate
Suspend rules	No	Yes	Yes	No	No	2/3	None	None
Consider informally	No	Yes	Yes	No	No	Majority	Main motion	None
Requests								
Point of order	Yes	No	No	No	No	None	Any error	None
Parliamentary inquiry	Yes	No	No	No	No	None	All motions	None
Withdraw a motion	Yes	No	No	No	No	None	All motions	None
Division of a question	No	No	No	No	No	None	Main motions	None
Division of assembly	Yes	No	No	No	No	None	Indecisive vote	None

- (1) Motions are in order only if no motion higher on the list is pending. Thus, if a motion to close debate is pending, a motion to amend would be out of order, but a motion to recess would be in order, since it outranks the pending motion.
- (2) Requires two-thirds vote when it would be in order, since it outranks the pending motion.
- (3) Debatable if no other motion is pending.
- (4) Withdraw may be applied to all motions.
- (5) Reference document will be most recent edition of Robert's Rules of Order Newly Revised (issued in odd-numbered years).



To: Mayor and City Council
From: Matt Benoit, City Manager
Subject: Agenda Item 7b
Date: August 14, 2015

The City Council's 2015 Strategic Plan states, "Consider placing an item on a ballot in 2015 for the citizens to consider the creation of either or both dedicated economic development sales tax or economic development fund." This item comes with no specific recommendation from staff, other than to say the August 18 meeting is the last regularly scheduled meeting prior to the August 24 deadline for calling an election on this purpose. This item satisfies your Strategic Plan directive on this topic.

You will find attached two Ordinances. As you consider this item, keep in mind the following:

1. The work session scheduled for 5 p.m. will include a review of these ordinances. Leonard Schneider will be present to explain and answer any questions about the ballot language.
2. Since the August 4 City Council meeting, no specific feedback was received from Councilmembers as to a strong preference for either a Section 4A or Section 4B sales tax. For that reason, there are two ordinances drafted for your consideration. Ordinance 2015-39 will call an election for a 4A sales tax. Ordinance #2015-40 will call an election for a 4B sales tax. **Unless there is a desire to have both a 4A and 4B sales tax, a choice must be made for one or the other.**
3. Possible motions could begin with "I move to adopt...", followed by the language of your choice from the posted agenda, copied below.

- Ordinance 2015-39 – An ordinance of the City Council of the City of Huntsville, Texas, ordering a special election to be held on November 3, 2015, to submit a proposition on the combined question of the adoption of a **Type A** Corporation Economic Development Sales and Use Tax within the city at the rate of one-eighth of one percent for projects as allowed by Chapter 504 of the Local Government Code, and the adoption of an additional Sales and Use Tax within the city at a rate of three-eighths of one percent to be used to reduce the property tax rate.

OR

- Ordinance 2015-40 – An ordinance of the City Council of the City of Huntsville, Texas, ordering a special election to be held on November 3, 2015, to submit a proposition on the combined question of the adoption of a **Type B** Corporation Economic Development Sales and Use Tax within the city at the rate of one-eighth of one percent for projects as allowed by Chapter 505 of the Local Government Code, and the adoption of an additional Sales and Use Tax within the city at a rate of three-eighths of one percent to be used to reduce the property tax rate.

If you have any questions in advance of Tuesday's meeting, please do not hesitate to contact me.



ORDINANCE 2015-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2015, TO SUBMIT A PROPOSITION ON THE COMBINED QUESTION OF THE ADOPTION OF A TYPE A CORPORATION ECONOMIC DEVELOPMENT SALES AND USE TAX WITHIN THE CITY AT THE RATE OF ONE-EIGHTH OF ONE PERCENT FOR PROJECTS AS ALLOWED BY CHAPTER 504 OF THE LOCAL GOVERNMENT CODE AND THE ADOPTION OF AN ADDITIONAL SALES AND USE TAX WITHIN THE CITY AT A RATE OF THREE-EIGHTHS OF ONE PERCENT TO BE USED TO REDUCE THE PROPERTY TAX RATE; PROVIDING FOR THE CONDUCT OF THE ELECTION; PROVIDING FOR EARLY VOTING; PROVIDING FOR POLLING PLACES; PROVIDING FOR ELECTION JUDGES; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE METHOD OF VOTING; PROVIDING AN EFFECTIVE DATE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of the City of Huntsville, Texas ("City Council") hereby finds that the City of Huntsville ("City") is eligible to adopt a sales and use tax for a Type A Corporation pursuant to the Development Corporation Act of 1979, Article 5190.6, Tex. Rev. Civ. Stat., and now codified as Chapter 504 of the Local Government Code, as amended (the "Act"); and

WHEREAS, the City Council further finds that in order to adopt a Type A Corporation sales and use tax pursuant to the Act, it must submit a proposition to the voters of the City for collection of an additional sales and use tax within the City under chapter 504, sections 504.251 and 504.252 of the Local Government Code; and

WHEREAS, the Council further finds City is authorized by Chapter 321, Section 321.409 of the Texas Tax Code and Chapter 504, Section 504.261(b) to combine municipal sales tax ballot propositions to present to the voters of the City the question of lowering the sales and use tax for property tax relief on the same ballot as the question of adoption of a Type A Corporation sales and use tax under the Act as a joint proposition; and

WHEREAS, Texas Tax Code Section 321.403 requires that an election to approve an additional sales and use tax must be held on the next succeeding uniform election date not less than thirty (30) days after the passage of the ordinance calling the election; and

WHEREAS, the City Council has determined that an election on the next uniform election date is November 3, 2015, not less than thirty (30) days after the passage of this Ordinance, and that this date would constitute an appropriate date for the Election; and

WHEREAS, the City Council also has the authority pursuant to Chapter 271, *Texas Election Code*, to enter into joint election agreements with the other political subdivisions also holding an election on the same date in all or part of the same territory as the City; and

WHEREAS, the City Council also has the authority pursuant to Chapter 31, *Texas Election Code*, to enter into a contract for election services with the County of Walker, Texas; and

WHEREAS, the City Council has heretofore found that a city general election shall be held on the 3rd day of November, 2015, wherein the electors of the City shall vote on the election of public officials and other matters (the "City General Election"); and

WHEREAS, the City Council has made provision to contract with Walker County to conduct the City General Election (the "Election Agreement"); and

WHEREAS, the City Council hereby finds that it is in the public interest that the City General Election and Special Election be conducted on the same day as previously provided for by the City Council;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS:

Section 1. Conduct of Election: Date: and Hours. In accordance with laws of the State of Texas and Constitution of the State of Texas, a Special Election is hereby called and ordered to be held on Tuesday, November 3, 2015, which is seventy-six (76) days from the date of the adoption of this ordinance (the "Ordinance") within the entire territory of the City of Huntsville for the purpose of submitting to the qualified voters of the City the following proposition: whether to adopt a Type A Corporation economic development sales and use tax within the City at the rate of one-eighth of one percent to undertake projects as allowed by chapter 504 of the Local Government Code and the adoption of an additional sales and use tax within the city at a rate of three-eighths of one percent to be used to reduce the property tax rate. The City Council hereby finds that holding the Election on such date, which is a uniform election date, is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7 a.m. to 7 p.m. Pursuant to Chapter 31 of the *Texas Election Code*, the Council orders that the Election be held under an Election Agreement with the Walker County Clerk under terms and conditions approved by the City Council. Pursuant to Chapter 271 of the *Texas Election Code*, the Council orders that this Election be conducted as a joint election with other political subdivisions within Walker County, provided that such political subdivision hold an election on November 3, 2015 in all or part of the same territory as the City (the "Political Subdivisions"). The joint election shall be organized, held, and conducted as provided in an agreement to conduct joint elections (the "Joint Election Agreement") between the City, Walker County, and/or the Political Subdivisions and in accordance with state law, the Agreement, and this ordinance.

Section 2. Voting Precincts. The election precincts for the election shall be the election precincts established by Walker County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Walker County for such election precincts in Walker County and voting by residents of the City. The returns for precincts in Walker County will be provided by precinct and the Walker County Clerk shall tabulate and provide the election returns for the election.

The City is hereby divided into seven (7) election precincts. The polling places for these election precincts shall be as follows:

Precinct	Polling Place
101/102	Walker County Annex; 1301 Sam Houston Avenue, Ste. 101
201	Walker County Storm Shelter; 455 State Highway 75
205	Elkins Lake Recreation Conference Center; 634 Cherry Hills Drive
206	Huntsville Fire Station No. 1; 1987 Veterans Memorial Parkway
301	Huntsville ISD Transportation Building; 95 Martin Luther King
401	University Heights Baptist Church; 2400 Sycamore Avenue

Section 3. Appointment of Election Officials. The Walker County Clerk and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Election Agreement and the law governing the holding of general elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law. Appointments of the Election Day Presiding Judge and Alternate Presiding Judge will be made by approval of the City Council subsequent to adoption of this ordinance.

Section 4. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Walker County Clerk, who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the Walker County Clerk. Early voting shall commence on October 19, 2015 and continue through October 30, 2015,

and early voting polls shall remain open for the time specified by the *Texas Election Code*. Early voting shall also be held at any time and location authorized by the Walker County Clerk. Early voting by City residents may be conducted at any Walker County early voting location designated by the Walker County Clerk for City residents.

Section 5. Election Supplies. The City Secretary, or designee, is instructed to aid the Walker County Clerk in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement.

Section 6. Conduct of Election. The Election shall be conducted by election officers, in accordance with the *Texas Election Code*, the Act, and the Constitution and laws of the State of Texas and the United States of America. The voting at such election shall be by DRE electronic voting device. Early voting at such election shall also be DRE electronic voting device. Early Voting by Mail will be paper ballots.

Section 7. Ballots and Proposition. The ballots for the election shall comply with the *Tex. Elec. Code*, the City Charter, and the Act, and be in the form provided by the City to the Walker County Election Officer for use on the voting devices and ballots used by Walker County, provided that the votes shall be upon official ballots prepared in such a manner as will permit the voters to vote "Yes" or "No" as to the proposition submitted, with the proposition to be expressed on the official ballot in a form substantially as follows:

PROPOSITION

"The adoption of a sales and use tax within the municipality for the promotion and development of new and expanded business enterprises at the rate of one-eighth of one percent and the adoption of an additional sales and use tax within the municipality at the rate of three-eighths of one percent to be used to reduce the property tax rate."

Section 8. Canvassing of Returns: Declaring Results. The Election Officer shall make a written return of the Election results to the City Council in accordance with the Election Code. The City Council shall canvass the returns and declare the results of the Election.

Section 9. Notice of Election. The City Secretary is authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Election Agreement between Walker County and the City, the Walker County Clerk shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Agreement. The Walker County Clerk shall give the notices required by the *Texas Election Code* to be given for the election not required to be given by the City under the Election Agreement. Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall. Notice of the election shall be published in a newspaper of general circulation within the city and will be written in both English and Spanish.

The Mayor and City Secretary are hereby directed to give notice of the election by:

- a) causing said notice of such election to be published at least forty (40) days prior to the date of such election in the newspaper;
- b) by publishing the notice at least one time, not more than thirty (30) days nor less than ten (10) days before the election, in the newspaper;
- c) by filing with the City Secretary, for posting, a copy of said notice at least twenty-one (21) days before the election; and
- d) by posting at City Hall notice of the election at least twenty-one (21) days before the election.

Section 10. Training of Election Officials. Pursuant to the *Texas Election Code*, a public school of instruction for all election officers shall be held as arranged or contracted by the Joint Election Officer.

Section 11. Inconsistent Provisions. All ordinances, orders and resolutions, or parts thereof, which are in

conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.

Section 12. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 13. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 14. Notice of Meeting. The City Council officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance is adopted was posted for at least 72 hours preceding the scheduled time of the meeting and at the location required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered, and formally acted upon.

Section 15. Authorization to Execute. The Mayor of the City Council is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 16. Effective Date. This Ordinance is effective immediately upon its passage and approval.

PASSED AND APPROVED on the 18th day of August 2015.

THE CITY OF HUNTSVILLE

Mac Woodward, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney

ORDINANCE 2015-40

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2015, TO SUBMIT A PROPOSITION ON THE COMBINED QUESTION OF THE ADOPTION OF A TYPE B CORPORATION ECONOMIC DEVELOPMENT SALES AND USE TAX WITHIN THE CITY AT THE RATE OF ONE-EIGHTH OF ONE PERCENT FOR PROJECTS AS ALLOWED BY CHAPTER 505 OF THE LOCAL GOVERNMENT CODE AND THE ADOPTION OF AN ADDITIONAL SALES AND USE TAX WITHIN THE CITY AT A RATE OF THREE-EIGHTHS OF ONE PERCENT TO BE USED TO REDUCE THE PROPERTY TAX RATE; PROVIDING FOR THE CONDUCT OF THE ELECTION; PROVIDING FOR EARLY VOTING; PROVIDING FOR POLLING PLACES; PROVIDING FOR ELECTION JUDGES; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE METHOD OF VOTING; PROVIDING AN EFFECTIVE DATE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of the City of Huntsville, Texas ("City Council") hereby finds that the City of Huntsville ("City") is eligible to adopt a sales and use tax for a Type B Corporation pursuant to the Development Corporation Act of 1979, Article 5190.6, Tex. Rev. Civ. Stat., and now codified as Chapter 505 of the Local Government Code, as amended (the "Act"); and

WHEREAS, the City Council further finds that in order to adopt a Type B Corporation sales and use tax pursuant to the Act, it must submit a proposition to the voters of the City for collection of an additional sales and use tax within the City under chapter 505, Sections 505.251 and 505.252 of the Local Government Code; and

WHEREAS, the Council further finds City is authorized by Chapter 321, Section 321.409 of the Texas Tax Code to combine municipal sales tax ballot propositions to present to the voters of the City the question of lowering the sales and use tax for property tax relief on the same ballot as the question of adoption of a Type B Corporation sales and use tax under the Act as a joint proposition; and

WHEREAS, Texas Tax Code Section 321.403 requires that an election to approve an additional sales and use tax must be held on the next succeeding uniform election date not less than thirty (30) days after the passage of the ordinance calling the election; and

WHEREAS, the City Council has determined that an election on the next uniform election date is November 3, 2015, not less than thirty (30) days after the passage of this Ordinance, and that this date would constitute an appropriate date for the Election; and

WHEREAS, the City Council also has the authority pursuant to Chapter 271, *Texas Election Code*, to enter into joint election agreements with the other political subdivisions also holding an election on the same date in all or part of the same territory as the City; and

WHEREAS, the City Council also has the authority pursuant to Chapter 31, *Texas Election Code*, to enter into a contract for election services with the County of Walker, Texas; and

WHEREAS, the City Council has heretofore found that a city general election shall be held on the 3rd day of November, 2015, wherein the electors of the City shall vote on the election of public officials and other matters (the "City General Election"); and

WHEREAS, the City Council has made provision to contract with Walker County to conduct the City General

Election (the "Election Agreement"); and

WHEREAS, the City Council hereby finds that it is in the public interest that the City General Election and Special Election be conducted on the same day as previously provided for by the City Council;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS:

Section 1. Conduct of Election: Date: and Hours. In accordance with laws of the State of Texas and Constitution of the State of Texas, a Special Election is hereby called and ordered to be held on Tuesday, November 3, 2015, which is seventy-six (76) days from the date of the adoption of this ordinance (the "Ordinance") within the entire territory of the City of Huntsville for the purpose of submitting to the qualified voters of the City the following proposition: whether to adopt a Type B Corporation economic development sales and use tax within the City at the rate of one-eighth of one percent to undertake projects as allowed by chapter 505 of the Local Government Code and the adoption of an additional sales and use tax within the city at a rate of three-eighths of one percent to be used to reduce the property tax rate. The City Council hereby finds that holding the Election on such date, which is a uniform election date, is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7 a.m. to 7 p.m. Pursuant to Chapter 31 of the *Texas Election Code*, the Council orders that the Election be held under an Election Agreement with the Walker County Clerk under terms and conditions approved by the City Council. Pursuant to Chapter 271 of the *Texas Election Code*, the Council orders that this Election be conducted as a joint election with other political subdivisions within Walker County, provided that such political subdivision hold an election on November 3, 2015 in all or part of the same territory as the City (the "Political Subdivisions"). The joint election shall be organized, held, and conducted as provided in an agreement to conduct joint elections (the "Joint Election Agreement") between the City, Walker County, and/or the Political Subdivisions and in accordance with state law, the Agreement, and this ordinance.

Section 2. Voting Precincts. The election precincts for the election shall be the election precincts established by Walker County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Walker County for such election precincts in Walker County and voting by residents of the City. The returns for precincts in Walker County will be provided by precinct and the Walker County Clerk shall tabulate and provide the election returns for the election.

The City is hereby divided into seven (7) election precincts. The polling places for these election precincts shall be as follows:

Precinct	Polling Place
101/102	Walker County Annex; 1301 Sam Houston Avenue, Ste. 101
201	Walker County Storm Shelter; 455 State Highway 75
205	Elkins Lake Recreation Conference Center; 634 Cherry Hills Drive
206	Huntsville Fire Station No. 1; 1987 Veterans Memorial Parkway
301	Huntsville ISD Transportation Building; 95 Martin Luther King
401	University Heights Baptist Church; 2400 Sycamore Avenue

Section 3. Appointment of Election Officials. The Walker County Clerk and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Election Agreement and the law governing the holding of general elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex.Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law. Appointments of the Election Day Presiding Judge and Alternate Presiding Judge will be made by approval of the City Council subsequent to adoption of this ordinance.

Section 4. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Walker County Clerk, who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the Walker County Clerk. Early voting shall commence on October 19, 2015 and continue through October 30, 2015, and early voting polls shall remain open for the time specified by the *Texas Election Code*. Early voting shall also be held at any time and location authorized by the Walker County Clerk. Early voting by City residents may be conducted at any Walker County early voting location designated by the Walker County Clerk for City residents.

Section 5. Election Supplies. The City Secretary, or designee, is instructed to aid the Walker County Clerk in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement.

Section 6. Conduct of Election. The Election shall be conducted by election officers, in accordance with the *Texas Election Code*, the Act, and the Constitution and laws of the State of Texas and the United States of America. The voting at such election shall be by DRE electronic voting device. Early voting at such election shall also be DRE electronic voting device. Early Voting by Mail will be paper ballots.

Section 7. Ballots and Proposition. The ballots for the election shall comply with the *Tex. Elec. Code*, the City Charter, and the Act, and be in the form provided by the City to the Walker County Election Officer for use on the voting devices and ballots used by Walker County, provided that the votes shall be upon official ballots prepared in such a manner as will permit the voters to vote "Yes" or "No" as to the proposition submitted, with the proposition to be expressed on the official ballot in a form substantially as follows:

PROPOSITION

"Shall the City of Huntsville, Texas be authorized to adopt a Type B Corporation Economic Development sales and use tax at the rate of one-eighth of one percent with the proceeds to be used to undertake projects as authorized and described in Chapter 505 of the Texas Local Government Code, as amended from time to time, including but not limited to projects for public parks, park facilities, open space improvements, landscape of public facilities, and projects related to recreational or community facilities, and projects to promote new or expanded business enterprises that create or retain primary jobs, and streets and roads, drainage, and related improvements, demolition of existing structures, or land, buildings, equipment, facilities that are related to any of the above projects and any other projects that the board determines will promote new or expanded business enterprises that create or retain jobs, and the maintenance and operations expenses for any of the above described projects and the adoption of an additional sales and use tax within the City of three-eighths of one percent to be used to reduce the property tax rate."

Section 8. Canvassing of Returns: Declaring Results. The Election Officer shall make a written return of the Election results to the City Council in accordance with the Election Code. The City Council shall canvass the returns and declare the results of the Election.

Section 9. Notice of Election. The City Secretary is authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Election Agreement between Walker County and the City, the Walker County Clerk shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Agreement. The Walker County Clerk shall give the notices required by the *Texas Election Code* to be given for the election not required to be given by the City under the Election Agreement. Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall. Notice of the election shall be published in a newspaper of general circulation within the city and will be written in both English and Spanish.

The Mayor and City Secretary are hereby directed to give notice of the election by:

- a) causing said notice of such election to be published at least forty (40) days prior to the date of such election in the newspaper;
- b) by publishing the notice at least one time, not more than thirty (30) days nor less than ten (10) days before the election, in the newspaper;
- c) by filing with the City Secretary, for posting, a copy of said notice at least twenty-one (21) days before the election; and
- d) by posting at City Hall notice of the election at least twenty-one (21) days before the election.

Section 10. Training of Election Officials. Pursuant to the *Texas Election Code*, a public school of instruction for all election officers shall be held as arranged or contracted by the Joint Election Officer.

Section 11. Inconsistent Provisions. All ordinances, orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.

Section 12. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 13. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 14. Notice of Meeting. The City Council officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance is adopted was posted for at least 72 hours preceding the scheduled time of the meeting and at the location required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered, and formally acted upon.

Section 15. Authorization to Execute. The Mayor of the City Council is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 16. Effective Date. This Ordinance is effective immediately upon its passage and approval.

PASSED AND APPROVED on the 18th day of August 2015.

THE CITY OF HUNTSVILLE

Mac Woodward, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney



CITY COUNCIL AGENDA

8/18/2015

Agenda Item: 7c

Item/Subject: Consider request from Councilmember Rodriquez for consideration of a Decision Package calling the 2009 General Obligation Bonds and include the Decision Package in the FY 15-16 Budget.

Initiating Department/Presenter: Finance

Presenter: Councilmember Rodriquez

Recommended Motion: This Decision Package is being presented by Councilmember's request, but is not included in the City Manager's Recommended Budget.

Strategic Initiative: Goal #7 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: At the request of Councilmember Rodriquez the attached Decision Package is presented for Council's consideration to include in the FY 15-16 Budget.

Should the Council wish to approve this Decision Package, staff must work with the City's bond counsel to prepare a resolution to redeem the remaining principal on the debt (which notifies the bond holders of the City's intent). That will need to be presented to the City Council on September 15. Thereafter, approval of the aforementioned resolution will allow the Council to reduce the Debt Service Fund tax rate accordingly (see attached Decision Package).

There are other Decision Packages that will be presented to the Council at the September 1. This one is being presented for Council consideration one meeting prior (to the others) to ensure adequate time for the bond counsel to prepare for the formal steps to be taken.

Possible motion: Move to approve the Decision Package calling the 2009 General Obligation Bonds and direct staff to take appropriate action.

Previous Council Action: No previous action. The potential to call these bonds was part of the April 21, 2015 budget presentation to the City Council.

Financial Implications:

☒ The Decision Package, if approved, will be included in the FY 15-16 Budget

Approvals: ☐ City Attorney ☒ Director of Finance ☒ City Manager

Associated Information:

- Councilmember Rodriquez Request (page 2)
- Decision Package (pages 3-4)

8/12/2015



City of Huntsville, Texas Mail - Fwd: what do you think

Matt Benoit <mboenit@huntsvilletx.gov>

Fwd: what do you think

1 message

From: Matt Benoit <mboenit@huntsvilletx.gov>
To: Matt Benoit <mboenit@huntsvilletx.gov>

Wed, Aug 12, 2015 at 3:02 PM

----- Forwarded message -----
From: Joe RODRIGUEZ <jrodriguez@huntsvilletx.gov>
Date: Thu, Aug 6, 2015 at 2:06 PM
Subject: Re: what do you think
To: Matt Benoit <mboenit@huntsvilletx.gov>

Matt,

Go ahead and place this on the agenda so that the entire council can consider it. Let me know if I need to sign anything to have it placed on the agenda and I again thank you for your work on this.

Joe Rodriguez

FISCAL YEAR 2015-2016 DECISION PACKAGE

Item: Consider use of excess Unallocated Reserves in the General Fund to pay off series 2009 General Obligation Bonds in the amount of \$715,000.

Initiating Department/Presenter: Matt Benoit, City Manager
Steve Ritter, Director of Finance

Executive Summary: Presently, there is one set of General Obligation debt that is callable and not attached to a source of revenue. Should the Council wish to call (pay off) the debt, the City has the ability to lower the tax rate. Estimated interest savings would total approximately \$52,000 (in the next 4 years). The proposed source of funds to pay off this debt is General Fund Unallocated Reserve. This decision package is not recommended as part of the City Manager's 2015-2016 Budget, but is well within the Council's purview of budget deliberations.

Financial Implications:

Fund	Funding Source			Total
	Operational Budget	Proposed Use of Fund Unallocated Reserve	Proposed Use of CIP Fund Unallocated Reserve	
General	\$0	\$715,000	\$0	\$0

Detailed Discussion and Explanation: In 2009, the City issued a series of General Obligation ("GO") bonds with a total principle of \$1,850,000. The project funded was the "North East Fire Station", Fire Station #4. As of the conclusion of the 2014-2015 fiscal year, a total of \$715,000 remains in principle and \$52,606 in interest payments. The debt is "callable" (which means it is eligible for early pay-off).

At issue with the Council is whether to pay this debt off early. As part of those considerations, there are three key areas the Council should balance in the decision-making process.

1. Availability of General Fund Unallocated Reserves – The General Fund has healthy unallocated reserves. It is anticipated that General Fund will end the 2014-15 Fiscal Year with an Unallocated Reserve of \$9,015,000. The planned use of \$1,015,000 during the 2015-16 Fiscal Year would bring the balance down to an estimated \$8,000,000 at the end of FY 15-16. The \$8,000,000 balance would exceed the 25% required \$4,380,000 balance by \$3,620,000. Keep in mind, however, that the Council will be faced with the results of three important studies in the 2015-2016 fiscal year, including the Streets Assessment, Building Assessments for City Hall/Service Center and a Public Safety Complex. Should the Council wish to fund one or more of those projects, Unallocated Reserves would be an accepted and recommended method of paying for the design of a selected project(s).
2. Tax Rate Reduction – By paying of this debt early, the City will be positioned to reduce the tax rate by 1.3 cents from \$.4106/\$100 of assessed valuation to \$.3976/\$100 of assessed valuation. The estimated annual savings to a single family residential structure with a net taxable value of \$125,000 is \$16.25.

3. Interest Savings – In the 2014-2015 Fiscal Year, the City called a series of debt. In that instance, the City invested \$440,000 to save \$98,000, resulting in a return on investment of just under 4.5 years. This issuance is not nearly as attractive. It will require a \$715,000 investment to save \$52,000 in interest, resulting in a return on investment of just under 14 years. If the City does not call this debt, it will be paid off in 2019.